

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

**RUSGO AND DEPANICIS, INC., individually and as
the representative of a class of similarly situated
persons, Plaintiff,**

v.

**WALTER J. SVENKESEN INSURANCE AGENCY, INC.
d/b/a VIKING INSURANCE AGENCY and WALTER J.
SVENKESEN, Defendants.**

Case No. 09-CA-4744

AFFIDAVIT OF DOROTHY SUE MERRYMAN

I, Dorothy Sue Merryman, I, Dorothy Sue Merryman, hereby declare the following statements are true:

1. I have personal knowledge of the facts stated in this declaration and can competently testify to the same.
2. I am a Project Manager for Class-Settlement.com. ("Class-Settlement").
3. Class-Settlement provides claims administration services, including class notification, claims processing, and distribution services.
4. At the request of Plaintiff's counsel, I coordinated the distribution of the class notice in this case by fax and U.S. Mail and have knowledge of what work was performed.
5. Attached as Exhibit 1 is a copy of the Class Notice that Class Counsel provided to me.
6. Class Counsel also provided to me a list of 644 unique fax numbers.
7. Class Counsel requested that acquire and verify addresses for as many of the fax numbers as possible, and then send Exhibit 1 to the 644 numbers on the list by facsimile, and then by U.S. Mail if unsuccessful after three attempts.

8. I added one test number to the list to ensure the accuracy of the broadcast.

9. On July 7, 2017, I caused Exhibit 1 to be sent by facsimile to the 644 numbers on the class list, and the one test number.

10. Of the 644 numbers on the list, 422 were sent successfully and 222 failed. The failed numbers were attempted at least three times.

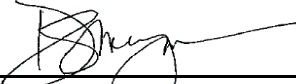
11. After the broadcast was complete, I compiled a list of the 222 records to which the fax attempt failed. Class Counsel requested that acquire and verify addresses for as many of the fax numbers as possible via reverse lookup.

12. I then caused Exhibit 1 to be sent by U.S. First Class Mail to the 220 records for which the fax attempts were unsuccessful, and for which a valid address was located. The list was compared against the U.S. Postal Service National Change of Address (NCOA) database prior to mailing.

13. As of September 7, 2017, 27 Notices were returned by the USPS. 10 Notices contained forwarding information and were remailed. The remaining 17 Notices did not have forwarding information and could not be remailed.

14. As of September 11, 2017, Class-Settlement received no requests to opt out of the settlement.

Signed under the Penalty of Perjury this 13th day of September, 2017.



Dorothy Sue Merryman

EXHIBIT 1

**This is a notice of a lawsuit settlement.
You may benefit from this. Please read it carefully.
You must submit a Proof of Claim (attached) to receive a settlement check.**

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

**RUSGO AND DEPANICIS, INC., individually and as the
representative of a class of similarly situated persons,**

Plaintiff,

v.

**WALTER J. SVENKESEN INSURANCE AGENCY, INC.
d/b/a VIKING INSURANCE AGENCY and WALTER J.
SVENKESEN,**

Defendants.

Case No. 16-CV-12966

NOTICE OF CLASS ACTION SETTLEMENT WITH ATTACHED CLAIM FORM

To: Each person, including but not limited to the lists of persons produced by Defendants totaling 683 fax numbers, that was sent one or more telephone facsimile messages through faxbb.com from June through September, 2016 promoting the availability or quality of property, goods, or services offered by 'Viking Insurance,' but not stating on its first page that the recipient may make a request to the sender not to send any future ads and that failure to comply with such a request within 30 days is unlawful.

The Court ordered us to send this Notice because your fax number appeared on a list of fax numbers to which advertising faxes were sent and, therefore, you might be a member of the Settlement Class defined above. Please read the notice that follows.

A. WHAT IS THIS LAWSUIT ABOUT?

A company named Rusgo and Depanicis, Inc. d/b/a Cicchini Custom Clothier ("Plaintiff") filed this class action lawsuit against a company named Walter J. Svenkesen Insurance Agency, Inc. d/b/a Viking Insurance and its director, Walter J. Svenkesen ("Defendants"), alleging that they violated the federal Telephone Consumer Protection Act ("TCPA") by faxing unsolicited advertisements. Defendants denied the allegations, but without admitting or conceding fault or liability, the parties have agreed to settle all claims about advertising faxes sent by or on Defendants' behalf from June through September, 2016. This notice informs you of the rights of all members of the Settlement Class defined above.

B. WHAT IS THE PROPOSED SETTLEMENT?

Defendants, by and through their insurers, Admiral Insurance Company ("Admiral") and Secura Insurance Company ("Secura") (collectively, the "Insurers"), have created a total settlement fund of \$683,000.00 (the "Settlement Fund") to pay class member claims, settlement administration costs, attorney's fees, costs, and expenses, and an incentive awards to Plaintiff. Each class member that submits a valid and timely claim will be paid the lesser of \$1,000.00 or a *pro rata* share of the Settlement Fund, after those other payments.

The Court has preliminarily approved the proposed settlement, and certified the Settlement Class, defined above, subject to a final approval hearing that will occur on September 19, 2017, at 1:00 p.m., in Room 1015 in the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

C. WHAT ARE YOUR FOUR OPTIONS?

1. **Submit a Proof of Claim (attached) to receive a check:** You must submit a claim form, postmarked, faxed, or electronically via www.class-settlement.com within 90 days after this Notice is sent (on or before October 5, 2017) to be eligible for a settlement check.

2. **Do nothing:** If the Court approves the settlement, but you do nothing then you will release your claims about Defendants' fax advertisements, but you will not receive a settlement check if you do not submit a Claim Form.
3. **Opt out of the settlement:** You have the right to exclude yourself from the class action and the settlement by mailing a written request for exclusion. Your request must be postmarked on or before September 5, 2017, and it must list your name, fax number, street address, and the name and number of this case, and it must state that you wish to be excluded (for example, "Exclude me from the Svenkesen Settlement."). Mail your exclusion request to the following attorneys, postmarked by that date, and they will notify the Court of your request:

For Plaintiff:

Phillip A. Bock
Bock & Hatch, LLC
Attn.: Svenkesen Settlement
134 N. La Salle St., Ste. 1000
Chicago, IL 60602

Defendant's Attorneys:

Dora A. Brantley
Rutledge, Manion, Rabaut, Terry &
Thomas, P.C.
333 W. Fort Street, Suite 1600
Detroit, MI 48226

4. **Object to the settlement:** If you wish to object to the settlement rather than excluding yourself, you must file a written objection with the Civil Clerk's Office, United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226. Your objection must be postmarked by September 5, 2017, and must refer to the name and number of this case (*Rusgo and Depanicis, Inc. v. Walter J. Svenkesen Insurance Agency, Inc.*, Case No. 16-CV-12966). You must also serve copies of your objection on Class Counsel and Defendants' attorneys (at the addresses above), postmarked by that same date. Your objection must include your name, fax number, street address, all attorneys who assisted you in the preparation and filing of your objection, a list of all other class action cases in which you or your counsel have filed objections to settlements, and a statement of the reasons why you believe the Court should find that the proposed settlement is not in the best interests of the Settlement Class. It is not enough to say that you object; you must state the reasons why you believe the Court should not approve the settlement.

D. WHEN WILL THE COURT DECIDE WHETHER TO APPROVE THE SETTLEMENT?

The Court will hold a final fairness hearing to decide whether to approve the settlement on September 19, 2017, at 1:00 p.m., in Room [REDACTED] in the United States District Court for the Eastern District of Michigan, Theodore Levin U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226. There, the Court will hear any timely and properly-filed objection and argument about the settlement. The hearing may be continued to a future date without further notice.

E. WHO REPRESENTS THE CLASS IN THIS LITIGATION?

Rusgo and Depanicis, Inc. is the class representative. The Court appointed Plaintiff's attorneys as Class Counsel: Phillip A. Bock of Bock, Hatch, Lewis & Oppenheim. These attorneys have litigated this matter on a contingency basis. As part of the settlement, Class Counsel will request that the Court award Plaintiff an incentive award of \$15,000 for serving as the class representative and ask the Court to award them attorney's fees equal to one-third of the settlement fund for their legal services (\$227,666.67), plus expenses also from the settlement fund. You will not have to pay any money to Class Counsel.

F. INQUIRIES:

If you have specific questions, you can write to Class Counsel at the address listed above. Include the case number, your name, your fax number, and your current street address on any correspondence. You may also call attorney Phillip A. Bock, one of the lawyers for the Class, at 312-658-5501.

Please do not contact the Clerk of the Court, the Judge, or the Judge's staff, because they cannot answer your questions or give you advice about this settlement.

**BY ORDER OF THE COURT
HONORABLE LINDA PARKER**

PROOF OF CLAIM

Rusgo and Depanicis, Inc. v. Walter J. Svenkesen Insurance Agency

Case No. 16 CV 12966

Fax Number:

You Must Complete All *THREE* Steps to Claim a Share of the Settlement Fund:

1. You Must Provide Your Contact Information.

Name: _____

Company: _____

Address: _____

City/State/Zip Code: _____

Fax Number(s): _____
[List all numbers]

2. You Must Verify Ownership of the Fax Number(s) Listed in #1 above:

"I swear and affirm that the fax number(s) listed above was/were mine or my company's during the period from June 1, 2016 to September 30, 2016."

X _____
(Sign your name here)

3. You Must Return this Claim Form by October 5, 2017:

(a) Fax this Claim Form to: (888) 868-4506

OR

(b) Mail this Claim Form to: Rusgo v Svenkesen
c/o Class-Settlement.com
PO Box 9009
Hicksville, NY 11802-9009

OR

(c) Submit this form electronically at www.class-settlement.com

Username:

Password: